

Application No. 10/037,493  
Proposed Amendment Dated December 23, 2003  
Reply to Office Action of September 29, 2003

### **REMARKS**

The Application presently includes claims 1-68. Claims 9, 15, and 35 were rejected by the Examiner under 35 U.S.C. §112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 2, 5, 8, 12, 16 and 57 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Hampton, U.S. Patent No. 6,158,807. Claim 3 was rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Hampton in view of Batalaris et al., U.S. Patent No. 6,193,310. Claim 52 was rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Hampton. Claims 4, 17-18, and 58-68 were withdrawn from consideration pursuant to Applicant's previous election following an election of species requirement. Claims 19-34, 36-51, and 54-56 were allowed. The Examiner indicated that claims 9, 15, and 35 are allowable if rewritten to overcome the 35 U.S.C. §112 rejection. Claims 6, 7, 10, 11, 13-14, and 53 were objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form.

Claims 1, 9, 15, 35, and 52 have been amended to overcome the Examiner's objections and rejections. No new matter has been added. Applicant respectfully requests that the Examiner withdraw the objections and rejections and pass the application to allowance.

#### **Claim Rejections under U.S.C. § 112, Second Paragraph of Claims 9, 15, and 35**

Applicant submits that the rejection of claims 9, 15, and 35 under 35 U.S.C. 112, Second Paragraph, as applied to amended claims 9, 15, and 35, is overcome by the present amendment. The Examiner rejected each of claims 9, 15, and 35, stating that it was unclear if the "extension rails" and the "extension rail member(s)" are intended to be the same structure. As originally presented the "extension rails" and the "extension rail members" were intended to be the same structure. The extension rails are described in the specification at page 11, lines 5-19, and shown in the figures at reference numeral 190. Applicant has amended these claims to read, *inter alia*,

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"...said mobile platform is mounted to said stationary base via extension rail[s] members, and wherein at least one of said extension rail members is fixedly mounted to said stationary base..." in order more clearly word the claims.

**Claim Rejections under U.S.C. §102(b) of Claims 1, 2, 5, 8, 12, 16, and 57**

The rejection of claims 1, 2, 5, 8, 12, and 16 under U.S.C. §102(b) as applied to amended independent claims 1 and dependent claims 2, 5, 8, 12, and 16 is respectfully overcome by the present amendment. Amended claim 1 adds the limitation that the mobile platform can be displaced laterally from said base in a direction substantially parallel to a seat back of a vehicle without requiring any substantial displacement of said mobile platform in a direction perpendicular to said seat back. Claim 57, without amendment, contains the limitation, "without requiring any substantial displacement of said mobile platform in a forward direction with respect to the seat back of the vehicle". This limitation is supported in the specification at page 16, lines 1-3.

This limitation distinguishes the present invention over Hampton, which requires the child seat to be displaced forward (perpendicular to the seat back) before the child seat can be pivoted. The need to move the seat forward in the vehicle prior to pivoting the base member toward the door can be problematic when limited room is available in the rear seat of the vehicle. The present invention overcomes this problem by allowing the mobile platform to move laterally without first having to move the mobile platform forward.

Furthermore, Applicant is unable to find, and respectfully submits, there is no showing in Hampton, of the base member pivoting without first being displaced forward. In fact, the configuration taught by Hampton would require a motion in the forward direction in order to provide sufficient clearance for rotation between the back of the child seat and the seat back. Furthermore, in the Hampton configuration, there would be insufficient clearance for lateral movement if the rotating member were rotated into a position parallel with the seat back. Thus, in Hampton, it would be possible to move the child seat laterally without some substantial

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forward motion. Accordingly, Applicant respectfully submits the rejection of claims 1, 2, 4, 5, 12, 16, and 57 is overcome by the present amendment.

**Claim Rejections under U.S.C. §103(a) of Claims 3 and 52**

The rejection of claims 3 and 52 under U.S.C. §103(a) as applied to claim as it depends from amended independent claim 1 and independent claim 52 is respectfully overcome by the present amendment. The patentability of amended claim 1 is discussed above. Claim 3, which depends from amended claim 1, should similarly be allowable.

Claim 52 is amended by the present amendment to include the limitation, "wherein said mobile platform can be displaced laterally from said base in a direction substantially parallel to a seat back of a vehicle without requiring any substantial displacement of said mobile platform in a direction perpendicular to said seat back". This additional limitation is identical to the limitation added to claim 1, discussed above.

For the reasons discussed above with respect to the additional limitations in claims 1 and 52, Applicant respectfully submits the rejection of claims 3 and 52 is overcome by the present amendment.

**Election/Restriction**

Applicant respectfully submits amended claims 1 and 52 are generic to the non-elected species. Accordingly, Applicant requests non-elected claims 4, 17-18, and 58-68 be considered on the merits as they depend from claims containing allowable subject matter.

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**Conclusion**

In view of the above Amendments and Remarks, Applicant submits that the present application is in condition for allowance, and seeks early indication of the same. If the Examiner requires further information with respect to this application, the Examiner is invited to contact Applicant's attorney at (847) 537-3537 for a telephonic interview.

Respectfully submitted,

Date: December 23, 2003

By: \_\_\_\_\_

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I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 23, 2003 by:

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